



CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

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To: Planning Board
From: Jeff Roberts, Land Use and Zoning Planner
Date: February 22, 2016
Re: **Peter L. Cohen, et al., Zoning Petition**

Overview

This zoning petition, which has been submitted by residents in the vicinity of Donnell Street and will be heard by the City Council on February 24 and by the Planning Board on March 8, proposes new restrictions on the construction of parking garages in Residence B districts under very specific circumstances.

- **SECTION A** would prohibit the construction of “any above-ground garage” within 50 feet of the front of a lot under the following circumstances:
 - The lot is in a Residence B district
 - The lot has less than 50 feet of lot frontage
 - The lot has an existing garage as of December 1, 2015
 - The owner proposes to demolish one or more existing multifamily buildings that are at least 50 years old, and construct one or more new residential buildings, increasing the FAR on the lot by at least 50%
- **SECTION B** would allow the Planning Board to grant a special permit to waive the above provision, but would require the Board to presume that the waiver should not be allowed, and the “burden of proof and persuasion shall rest with the property owner to persuade the Planning Board.” Additionally, Section B provides that demolition permits could not be issued “during the pendency of such a special permit application.”
- **SECTION C** is a “severability” provision that would retain the requirements of Section A in the event that Section B is invalidated in court.

This memo provides some background information and considerations that the Board may take into account in reviewing this petition.

Affected Lots

Residence B is one of the most common residential zoning districts in the city, covering large areas of North Cambridge, Neighborhood Nine, West Cambridge, Strawberry Hill and Cambridge Highlands, as well as portions of several other neighborhoods. There are approximately 4,000 lots in Residence B districts throughout the city. While it would require more study to determine how many lots meet all of the applicability criteria in the petition, it is fairly typical for lots to contain existing older residential buildings and/or garages, or to have less than 50 feet of frontage.

Parking Facility Requirements

The Zoning Ordinance currently contains many regulations applicable to parking facilities. For base zoning districts, such as Residence B, the requirements are mostly contained in Article 6.000, with some other relevant requirements in Section 5.25. The following are some of the existing provisions that may be relevant while considering this petition:

- Zoning requires a minimum of one off-street parking space for any new residential dwelling unit created, which must be provided on that lot or a contiguous lot, unless the Board of Zoning Appeal grants a special permit to reduce the requirement or approve an alternate location.
- Article 6.000 contains specific dimensional requirements for parking spaces, access/egress drives, driveway aisles and curb cuts. For on-grade, non-structured parking, Article 6.000 prohibits parking from being located within a front yard, and includes minimum landscaping requirements for surface parking lots.
- Section 5.25 requires that “parking facilities in structures” (*i.e.*, parking garages) must conform to the dimensional requirements of the district (*e.g.*, height, yards, open space). However, in certain cases, the floor area of parking garages can be excluded from Floor Area Ratio (FAR) limitations. Such cases include parking that is underground, and parking that is meant to serve single-family, two-family or three-family residential dwellings.

Considerations for Zoning Proposal

A key policy issue highlighted by this proposal is the balance between requiring off-street parking to be provided on a residential lot, while on the other hand limiting the design and placement of that required parking. Current zoning regulates how parking can be provided on a small residential lot in order to serve planning and urban design objectives, but also allows enough flexibility to ensure that the parking can be provided in some way that is not unnecessarily onerous. While additional restrictions might serve an urban design objective, those restrictions might conflict with the objective of ensuring that off-street parking is provided.

Furthermore, the scope of the change is limited to lots with existing non-conforming elements and particular existing conditions, which are the types of lots where dimensional flexibility may be needed in order to meet parking requirements. It does not seem clear why the proposed requirements would apply only to such non-conforming lots, and not to other lots within the same district.

Some other, more technical considerations with regard to this petition include the following:

- The petition proposes changes to Article 10.000, which is the “Procedures” portion of the zoning ordinance. Because the requirements in Section A are dimensional development controls rather than a procedural changes, they would fit more appropriately within Article 5.000 of the ordinance.
- The petition makes reference to “single-family” and “multifamily” residences, but leaves out two-family and townhouse residences, which are different use types. (Multifamily refers to dwellings with three or more units.)

- The procedural standards proposed in Sections B and C of the petition do not relate to the procedures generally applicable to special permit review, which are found elsewhere in Article 10.000. These provisions may require further review.
- The zoning ordinance generally does not control demolition permits – demolition is often within the purview of historic regulations overseen by the Cambridge Historical Commission. As a matter of practice, the Historical Commission might not authorize a demolition permit until the replacement project has received a building permit or special permit. However, a zoning requirement that prevents a building from being demolished until a special permit has been issued is unusual, and may also require further review.